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DOCUMENTS

RELATIVE TO

LOUISIANA AND FLORIDA;

RECEIVED

AT THE DEPARTMENT OF STATE, FROM THE SECRETARY OF STATE OF
SPAIN, THROUGH THE HON. C. P. VAN NESS, ENVOY EXTRAORDINARY
AND MINISTER PLENIPOTENTIARY AT MADRID.

TRANSLATED BY ORDER OF THE SECRETARY OF STATE.

[No. 1.]

From the Minister of War to the Secretary of State of Spain.

MADRID, September 27, 1833.

MOST EXCELLENT SIR:

There being no papers of date anterior to 1789, in the Department under my charge, and as the notice of the Governors of the Province of Louisiana which you require, should extend back to 1769, I have this day written to the keeper of the general archives of the Indies at Seville, to select the papers relative to those before the first date, and send them to me immediately. As soon as they arrive, I shall proceed to fulfil the official request of your Excellency of the 23d instant; sending you, in the meanwhile, the annexed list of the Governors appointed to that Province from 1789 to 1800.

(Signed)

JOSE DE LA CRUZ.

LIST OF THE GOVERNORS OF LOUISIANA.

From 1789 to 1800, with the dates of their appointment.

Colonel Don Estevan Miro—appointed Military and Political Governor of the Province of Louisiana by royal decree of July 14th, 1785; which document is among the general archives of Seville.

Colonel Baron de Carondelet—appointed March 17th, 1791.

Brigadier Don Manuel Gayoso De Lemos—appointed Oct. 28th, 1796.

Colonel Don Manuel Salcedo—appointed November 21, 1799.

N.B.—The papers in the archives of this Department of War, begin in 1789; therefore, no account can be given of the Governors to that year from 1769, as the Secretary of State requires; it may be obtained from the general archives of Seville, where the papers of the Indies relating to those years are kept.

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[No. 2.]

From the Marquis de Grimaldi to Don Louis Unzaga.

SAINT ILDEFONSO, August 24, 1770.

Lieutenant General Don Alexandro O'Reilly, in his letter No. 33, from this city, dated March 1, sent me copies of the instructions which he had drawn up, for the Lieutenant Governor established in the Illinois and at Natchitoches, and the new special (*particulares*) Lieutenants of the districts (*partidos*) of that Province. He informed me, that he had himself been to Point Coupee, and, at the request of the inhabitants, had appointed a surveyor for each *partido*, at half the former salary. He also enclosed to me an instruction explaining the forms to be observed in this business, and declaring that the granting of land in that Province, had been confided by his Christian Majesty, to the Governor and *Comisario Ordenador*; and he considered it would be better in future, that the Governor alone should be authorized by his Majesty to make those grants; and that orders would be given for conforming entirely with the said instructions, which had been drawn up and printed, in the distribution of the royal lands.

The King having examined these dispositions and propositions of the said Lieutenant General, approves them, and also that it should be you and your successors in that Government only, who are to have the right to distribute (*repartir*) the royal lands, conforming in all points, as long as his Majesty does not otherwise dispose, to the said instruction, the date of which is February 18th, of this present year.

I communicate this to you, in order that you may understand and carry it into effect. God preserve you many years.

Given at Saint Ildefonso, August 24, 1770.

(Signed) MARQUIS DE GRIMALDI.

[No. 3.]

Royal Order addressed to Don Pedro Garcia, Mayorat.

THE PARBO, January 28, 1771.

By decree of May 2d, 1765, I communicated to my council that I had appointed Captain Don Antonio de Ulloa, of my royal navy, to proceed to the Province of Louisiana, which had been ceded by my cousin, the most Christian King, and take possession thereof as Governor, by virtue of his warrants and instructions; making, however, for the time, no innovation in its system of government, which is to be entirely independent of the laws and practices observed in my American dominions; but considering it as a distinct Colony, having even no commerce with the said dominions, and under the control of its own administration, council, and other tribunals; its direction and the correspondence with it being reserved to the Minister of State, as far as regards the situation of the country, and the laws and customs with which its inhabitants are to remain conforming. But those inhabitants having rebelled, on the 29th of October, 1768, I commissioned Don Alexandro O'Reilly, Lieutenant General of the Army,

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and Inspector General of all my Infantry, to proceed thither, take formal possession, chastise the ringleaders, and (informing me of all) establish the said Government, uniting the Province to the rest of my dominions; all of which he did, adapting its laws, and after proposing to me that which he judged proper for the commerce of the country, and for the extinction of the council by which it was governed, establishing a *cabildo* in the place of said council, and taking other measures, as will be seen from the statements hereunto annexed:—all of which were approved by me, as likewise the appointment of Colonel Don Louis de Unzaga y Amezaga, as Political and Military Governor, with a salary of six thousand dollars, free from the duty of *media annata*, and of two royal officers, to take charge of the administration of my *Hacienda*,* to wit: Don Antonio Jose de Aguiar, as Comptroller, (*Contador*,) with a salary of 1600 dollars per annum; and Don Martin Navarro, as Treasurer, with 1200 dollars per annum; and of three officers at salaries of 500, 400, and 360 dollars respectively. I have resolved, that all which has been established as above, should remain and continue fixed; the said Province being, as to its spiritual concerns, annexed to the Bishopric of Havana, and governed according to the laws of the Indies, and the regulations provided in them, and by special orders for my American dominions, by the Ministry of the Indies and the council, as being incorporated with those my kingdoms; and also that it depend upon the Captain Generalcy and administration of the royal *Hacienda* of Havana, just as the Government of Cuba does; for which purpose I approved the formation of a tribunal composed of the Captain General as president, and the Auditors of War and Marine; the Attorney (*Fiscal*) of the royal *Hacienda* acting as attorney, and the Clerk (*Escribano*) of the Government as clerk; to which tribunal these, my vassals, can appeal, and from it to the Council, without being obliged to apply to the more distant *Audiencia* of Santo Domingo. This shall be understood in the Council, and in the Chamber for its observance; and the *Cedulas*† shall be issued, and measures provided for carrying into effect what has been determined; I being consulted on all doubts, and on all amendments which may offer.

Given at the Pardo, on the 28th day of January, 1771.

[No. 4.]

Report to the King, on Don A. O'Reilly's Statements.

COUNCIL AND CHAMBER OF THE INDIES,
February 27th, 1772.

Your Majesty communicated, that you had appointed Don Antonio de Ulloa, Governor of Louisiana, which had been ceded by the Most Christian King; and that in the instructions given to him, he was commanded to govern that Province, independently of the practice observed in America, and under the direction of the Council of State; but that the inhabit-

* *Hacienda* here comprises all that relates to the collection and distribution of the revenue.

† *Cedula* is a letter patent, whether a commission or order from the Government.

ants, ungrateful for this distinction, had risen up in rebellion—for which reason your Majesty had commissioned Lieutenant General Don Alexander O'Reilly, to proceed thither, take formal possession, chastise the ringleaders, and establish such a form of Government, as would be most compatible with the condition of the country, its climate, and the character of its inhabitants.

Your Majesty was pleased then to notify the Council of the energy, promptness, and activity, with which Don Alexander O'Reilly had executed these difficult charges; and that the measures he had taken, were all so just, and so well adapted to the right intentions of your Majesty, that they had merited your entire approbation; and that for their being carried into effect, you had commanded the proper *Cedulas* and orders to be issued, you yourself being consulted on all doubts and amendments which might present themselves.

The Council, entering into the spirit of the Royal decree, has examined with scrupulous attention, all the dispositions of the said Don Alexander O'Reilly, with all his orders, and proceedings in Louisiana: to which effect it has referred to all the documents accompanying the said decree, viz.: the *Cedula* by which his commission was given, with power to take possession of said Province; and six statements, made by him; together with six draughts of Royal orders, approving the same—the whole drawn out at length.

O'Reilly sets forth in his *first* statement, that the Province of Louisiana cannot subsist without trade, its inhabitants requiring flour, wine, oil, arms, ammunition, and all sorts of clothing; in exchange for which, they could give indigo, cotton, skins, Indian-corn, rice, and especially woods, which could be sold to great advantage in Havana, if that port were opened to a free trade with Spain, with the understanding, however, that the productions of the Province should pay no duty on entering Havana; nor any new *alcabala* or export duty be laid on goods leaving that port for Louisiana: that all the vessels belonging to the Colony, should be admitted as Spanish into Havana, and all other ports of Spain, with the restriction, however, that no vessel be admitted into New Orleans, or employed in transportation, unless it be Spanish, or belonging to the Province: that vessels arriving from Catalonia with red wine, should take away wood and other articles to Havana, and thence carry sugar: that, for just reasons, he had expelled from Louisiana, the English merchants who were established there, and who ruined and impoverished the country, by their monopolies and illicit trade; for which he hoped to receive your Majesty's approbation.

He merited such approbation in reality, as appears from the royal order accompanying; and the Council having heard the opinions of the attorneys and Comptrollers General, declares, that the measures set forth in the said statement, by General O'Reilly, are so proper, and so well calculated to render that Province happy, that they alone are sufficient to show the profoundness of his comprehension, the sublimity of his spirit, and the correctness of his judgment: that there is nothing which should be altered in them; and, that in those measures, it can see the germ of many improvements, and much that may conduce to the advantage and prosperity of the Colony.

The Council, however, considers, that it is not proper to exempt forever from duty, goods transported from Louisiana to Havana, but only for a time, and until the motives for such an extraordinary favor shall have ceased. Your Majesty is to resolve, also, whether they shall pay the

duty of *almojarifazgo*;* and, upon the whole, it is the opinion of the Council, that proper *Cedulas* should be issued for carrying into effect the system of commerce, as proposed by the said O'Reilly.

General O'Reilly, in his *second* statement, considers it necessary that the said Province should be subject to the same laws as the other dominions in America; and that all the proceedings should be carried on in the Spanish language: that a new tribunal should be created, composed of judges understanding both languages, the appeals from which, should not be carried to the *Audiencia* (a high court) of Santo Domingo, with which the Province has but little intercourse, but to Havana, where a tribunal should be established for the purpose, composed of the Governor, the Auditors of War and Marine, the Attorney of the Royal *Hacienda*, and the Clerk of the Government; and from which they should come to the Council. Finally, that the Government of Louisiana should be dependent on the Captain Generalcy and Ministry of the Royal *Hacienda* of Havana.

Your Majesty approved these dispositions of O'Reilly, and the Council, considering this as an evidence of the advantages to be derived, admires the measures of the said General, which prove the vastness of his genius, and that the establishment proposed by him, is so far worthy of being made, that the necessary *Cedulas* should be issued to the Ministers of Havana, and New Orleans, regulated in all points according to your prudent orders, but with the condition, that the intendants of the Royal *Hacienda* and Marine, are to have voice and votes in the new tribunal to be formed in Havana.

O'Reilly, in his *third* statement, declares that he has chosen six *regidores* or magistrates of New Orleans, to form a municipal council, (*cabildo*), two ordinary *alcaldes*, a syndic Attorney General, and a Superintendent of Public Property (*Mayordeno de Propios*): giving the names of these persons, and annexing two printed copies of instructions—the one for the regulation of the *cabildo*, and the instruction of its members—the other for the direction of the judges: that in the said *Cabildo*, he had put Don Louis de Unzaga in possession of the Government, and had abolished and suppressed the old Council; that he had assigned more proper salaries to the *Regidores*, Clerk, and Assessor, and made arrangements for building a house of *ayuntamiento* (meeting of the municipal body), by a person to whom he had ceded the proprietorship of the land destined for the government garden: and that as funds for the city, he had assigned certain duties on shops, taverns, gaming houses, &c., the arrangements respecting which, were received by the inhabitants with great satisfaction: that there had been long established in that capital, a duty, under the denomination of *anchorage*, destined for the preservation of the levy: and as repairs were constantly required, he had made no innovation either in the duty or in its destination. Finally, that the appointments of *Regidores*, Clerk, &c., as well as the assignment of funds for the city, merit your Majesty's approbation to their firm establishment.

Your Majesty has given this approval; and the Council respects so wise a resolution; admiring in O'Reilly the energy with which he has proceeded in matters which were out of his ordinary employment and sphere; in his provisions for the civil, economical, and political government, nothing has been found requiring amendment or addition; moreover, in both under-

* Note.—Peculiar duty on goods imported and exported.

takings, there appears a delicate knowledge, and acute discernment of the laws of both Kingdoms, as well as of the practical and the forensic styles of our courts. The Council, therefore, conceives that proper *Cedulas* should be issued, for the formal establishment of these excellent provisions, it being also ordered that some copies of the digests (*Recopilacion*) of the laws of the Indies, and of Castile, be sent to the Colony, and be deposited among the archives of the *ayuntamiento*, in order that the natives of the country may instruct themselves in the form of our Government, more minutely than they can from the manual drawn up, with such discretion, by the said General, inasmuch as the latter, though very clearly and methodically expressed, is only an abridgement or compendium.

O'Reilly declares in his *fourth* statement, that conformably with your Majesty's resolution, he had put Don Louis de Unzaga in possession of the political and military Government, with a salary of six thousand dollars, from which are to be discounted one-fifth as security, to be restored to him when his term of office expires; it appearing proper that he should be freed from the duty of *Media annata*, as the office was one of recent creation.

These dispositions, also, merited your Majesty's approval; and the Council is of opinion that the *Cedula* should be made out, conformably with what is proposed by the said General, who, in these, as well as in other provisions, has acted with the most consummate policy.

With this *fifth* statement he sent a minute regulation, in which he detailed all the expenses of your Majesty in that Province, and which were considered necessary, under present circumstances, taking into view the commerce, genius, character, climate, and the causes of the late difficulties among the Colonists: he shewed that he had reduced the number of persons employed in the Comptroller's office, and in the public store, without any detriment to the prosecution of business in either office: that eighteen priests, understanding both French and Spanish, were required for the parishes of the country; and that supposing the spiritual affairs to remain under the direction of the Bishop of Havana, that prelate might direct some friars of the community of Saint Francis, at that city, to learn the French language, in order that these missions may at all times be filled: and that if your Majesty approved the enclosed regulation, 130 dollars a year would be saved of the 250 with which the Colony was endowed.

Your Majesty also approved all that had been proposed and done by the said General; and the Council considers that it justly merited the Royal approval, nothing appearing among the provisions which does not conduce to the interests of your Majesty, and the happiness of the Colony. It sees, that by the admirable arrangement of pay and destination, which he has proposed in the military and political classes, the Treasury gains 130 dollars, which advantage is due to the comprehensive and indefatigable genius of the commissioner.

The Council also is of opinion that the missionaries should be sent, as proposed, and that the proper *Cedulas* should be sent, for both purposes, as also for the establishment, as your Majesty ordains, of public schools, in which the first principles of the christian doctrine may be taught in the Spanish language, in order that the use of the same may be extended. The Council hopes your Majesty will have sent to him a copy of the contracts to be made with the director and masters of public schools, and the salaries to be paid to the friars, while studying, in order that they be

transmitted to the Comptroller General, to be included in the accounts of Louisiana.

In the *sixth and last statement*, he informs your Majesty that he had appointed a Lieutenant Governor for the District of Illinois, Natchitoches, &c., and giving instructions for the purpose of putting an end to illicit commerce, preserving good order, and maintaining the provisions of the Supreme Government; he also encloses copies of the said instructions, adding that the colonists had admitted the regulations with good will, and that they were likely to secure their affections for the sovereign under whose mild government they lived: that in order to complete this, he had gone himself into that distant Province, visiting each village, listening to the Colonists, and deciding in their disputes and complaints, without the embarrassing forms of forensic proceedings: that he had caused the lands of the inhabitants to be surveyed, fixing the limits, and subjecting this distribution to the forms contained in a paper accompanying: that he considered it proper, that grants of lands to the colonists should, in future, be made by the Governor alone: your Majesty's first authorizing him to make these grants: and that they should be regulated according to a paper which O'Reilly caused to be drawn up, in a meeting (*junta*) called for that purpose, and composed of the persons best acquainted with the affairs of the Colony.

Your Majesty deigned to approve the provisions of this last statement, as well as those of all the preceding ones, except the article relating to the punishment of adulterers, which was ordered to be left in suspense. And the Council considers, that in a commission so troublesome and difficult, and which, from the number of intricate matters embraced, met with numerous obstacles, and demanded a high degree of method and order, Don Alexandro O'Reilly has had the good fortune to be right in all cases, and to arrange things with so much prudence, that (provided his plans are suffered to continue) all will infallibly be conducted for the best interests of both their Majesties. He has caused the new power under which the colonists are placed, to be loved and respected: he has enforced justice and the laws; has protected and extended commerce; has established harmony and concord with the neighboring Indians; has ordered and placed troops at convenient positions, discipling them with that skill which is so remarkable even among the many extraordinary qualities of this general officer: nothing has escaped his comprehensive penetration. The particular employments of persons destined for the public service—utensils to be distributed to the troops—the formation of various companies of militia, and their duties—and in a word, all that belongs to the political and military government of that Province, has been disposed by this General, with so much accuracy, prudence, and wisdom, that the Council finds nothing requiring the slightest amendment: but, on the contrary, many things worthy of its admiration and praise, which it justly bestows: all of which, it appears to the Council proper that your Majesty should approve, and that royal *Cedulas* should be issued conformably with the representations, instructions, and notices of this commissioner.

The Chamber represents to your Majesty, that at the same time the *Cedulas* are sent, the royal will be expressed to the Bishop of Cuba, that he, in exercise of his new jurisdiction and pastoral Ministry, promote all that may conduce to the spiritual government and good of those parishes, and that he give account of what occurs, as well as of what he considers necessary for the improvement.

Determined March 23, 1772, thus:

“ Let the above be carried into effect, and the proper *Cedulas* be issued by the Council, for the confirmation of those establishments, in all their points.”

[No. 5.]

From Don Estevan Miro, Governor of Louisiana, to Don Martin Navarro, Intendent of that Province.

NEW ORLEANS, January 7, 1788.

When his Majesty resolved, in consequence of my representations, made through the Conde de Galvez, to establish parishes for Irish clergymen, in Natchez, and other places, in both the Floridas, he commanded the said Conde de Galvez, to form a plan or account of the method to be pursued in the said parishes, together with a note of the number of clergymen required for them. The Conde requested me to give him such information as would be necessary for the execution of the said royal order; but, before I had an opportunity to reply, notice came of his death; upon which I resolved to draw up a plan myself, and send it to the Court. While this was going on, the four Irish priests arrived, to take charge of the said parishes; and as I had already received official notice that my plan had been submitted to the Court, you and I agreed to send two despatches for greater security in case the approval should arrive: however, his Excellency Don Antonio de Valdes, without giving me an exact answer in his letter of the 23d of August last, made various observations about the increase of population in Natchez, and added—“ The four Irish priests, of whose embarkation I gave you notice, will have arrived ere this, in your capital, in order to take spiritual charge of the English and Americans who established themselves in various parts of that Province, at the end of the last war. Should there be need of a greater number of such, on account of the increase of the number of Colonists, other ecclesiastics, of proper character, will, with your advice, be appointed for that purpose.” In consequence of that notice, which makes known the desires of his Majesty, for the administration of spiritual food to these colonists, it appears to me, that I and you can only wait for the proper time to establish these parishes: as the expense must be placed to the account of the royal *Hacienda*, for those colonists, not being Catholics, will not voluntarily contribute to its support; and it is important that churches should be built, so that by their being invited to hear the preaching, they may be thus brought to our holy faith.

With this idea, I enclose to you, sir, a copy of the statement of the said plan; in it, you will see that I ask for the same number of Irish priests which his Majesty has sent, viz.: three for Natchez, and one for Finzas—in case that village should be found large enough to be erected into a parish. For the present, I have destined one of the said priests to Morila, in order that he may thence go to Finzas, whenever his Majesty declares his royal determination. I therefore shall only propose to you the establishment of the two parishes of the district of Natchez.

Knowing the advantages of uniting families into towns or villages, I think it would be convenient to lay out once, at the place where the church

and curate's house at Natchez, are now being built, near the fort, and another in the same district at Cole's Creek, the two places where parishes are to be established. For this purpose, I notified Lieutenant Colonel Don Carlos de Grand-pré, Commander of Natchez, to examine the ground, and to inform me respecting it, pointing out to him at the same time, that near the fort which I knew, and which belongs to Don Esteban Minor, the adjutant: In reply, he informed me, that it was in reality the most favorable spot, containing several buildings, among others, a house of fifty feet long by forty wide, galleries included, divided into a large hall and five rooms, with a separate kitchen, stable, and store house, situated in a tract of land containing three hundred *arpens*, on which the town could be laid out: the whole of this property the said adjutant would sell for two thousand dollars—a fair price—as it gives lodging at once to the two clergymen, which would of themselves cost more if they were to be built anew. He informs me, at the same time, that the place is peculiarly fit, as the church is being built close by the side of the house; for which reason I am of opinion that you should instantly purchase this tract, because in addition to enabling the three priests, now in this city, to proceed there at once, *his Majesty, in time, may regain the two thousand dollars, and much more, by charging only twenty dollars for the grant of each lot of sixty feet front by a hundred and eighty deep.* With respect to Cole's creek, the said commander informs me that the lands of Thomas Calvert are the most convenient for the establishment of the church, curate's house, those for the commander, and the small body of guards which I propose in my plan, and for the other town; its situation being in the centre of the large land establishments, distant ten leagues from the fort, and one from the Mississippi; and large boats being able to come up to the said tract, at high water; it therefore seems to me proper that you should purchase three hundred *arpens* of land, at that place, as whilst the church at Natchez is being built, the answer will arrive respecting my plan, which I again solicited; the priests may, in the meanwhile, officiate in the first church, receiving their pay immediately at Natchez, and being provided with ornaments, and every thing necessary for saying mass and administering the sacrament in their own house, whilst the church is being built.

ESTEVAN MIRO.

[No. 6.]

From Don Juan Ventura Morales, Intendant ad interim of Louisiana, to Don Manuel Gayoso de Lemos, Governor of that Province.

NEW ORLEANS, August 29, 1797.

I send you herewith a copy of the commission by which his Majesty appointed Don Francisco Rendon Intendant of this province.

This document shews the powers which the King conferred on the said gentleman for acting in the intendency and superintendency of the royal *hacienda*, as sub-delegate of the most excellent Secretary of State for the department of *Hacienda* of Spain and the Indies, and the judicature of *Arribadas*; which functions I exercise in virtue of the royal order of July 10, 1795, though not with that rank, with full authority and indepen-

dence, except under the obligation of conforming, with regard to the intendancy as well as the superintendency, with the royal instruction to the Intendants of New Spain, in causes of *hacienda*, and the economical war arrangements which his Majesty thought proper to separate from the Government. In virtue thereof, I have to communicate to you the 81st article of the said instruction to Intendants, which is one of these relating to the *hacienda*.

“The Intendants shall be the peculiar (*Privativos*) Judges of the dependencies, and of the causes occurring in the districts of their provinces, respecting sales, agreements, and distributions of royal and signorial lands; (*sobre ventas composiciones, y repartimientos de tierras Realengas y de senorio,*) the possessors of such lands, and those who demand grants of them, being required to exhibit their rights, and to reduce their requests to form in presence of those intendants, in order that these affairs, being properly set forth through one of my royal attorneys, (*promotor de fisco*) appointed by them, they may determine according to law and by the advice of the ordinary assessors, admitting appeals to the superior *Junta of hacienda*, and informing that junta, in case recourse is had to it by the persons interested, displaying also the original acts when they shall consider them proper for settling the title, in order that these being seen by the junta, it may return a despatch then, as it may judge proper, or that before so doing it may issue the papers which it may consider necessary. By means of these the superior junta may, without new difficulties, provide for the confirmations to be delivered at proper periods; proceeding in this business as also will the Intendants, sub-delegates, and others, conformably with what is ordered in the royal instruction of October 15th, 1754, as far as not contradicted hereby, without losing sight of the salutary dispositions of the laws cited, and of the 9th of title 12, book 4.” In the 306th and last article of this instruction, his Majesty gives it “force of law and statute,” firm and perpetual, and commands that it be kept and observed inviolably, any other laws, ordinances, establishments, customs, or practices notwithstanding, revoking the same as far as they interfere with this, and declaring them void, and prohibiting any comment from being added, it being his royal will that it remain precisely to the letter as here expressed.”

In virtue of this, and because the government, notwithstanding it delivered up the intendancy, reserved to itself the distribution and granting of the lands owned by his Majesty in this province, and there is no reason why the royal will should not have effect in this part, I am under the necessity of requesting that you, sir, in case there be no order, disposition, or provision of his Majesty of later date than the commission of Don Francisco Rendon, abolishing, breaking, or annulling, in this province, what is observed in compliance with the said 81st article, in all the American dominions, (and in case there should be such, I hope that you will communicate it to me,) will no longer interfere in causes concerning sales, agreements, and distributions of lands belonging to his Majesty, which may hereafter occur, leaving it to the possessors, and to those who demand grants, to exhibit their rights, and reduce their requests to form, before me; and not oppose the Intendency in the free and open jurisdiction appertaining to it, in particulars with which the collection of the revenue being interested, no one has a right to meddle.

JUAN VENTURA MORALES.

[No. 7.]

From Don M. G. de Lemos to Don Morales.

NEW ORLEANS, August 30th, 1797.

Being an enemy to discussions which embarrass and obstruct the course of business, to the detriment of the King's service, and having considered what you communicate in your official letter of yesterday, claiming cognizance of causes respecting sales, agreements, and distributions of royal lands, I have resolved to submit the question to higher authority, and to allow no innovation until the resolution of his Majesty be made known.

MANUEL GAYOSO DE LEMOS.

[No. 8.]

From M. G. de Lemos to the Prince of Peace.

NEW ORLEANS, August 31, 1797.

Don Juan Morales, the Intendant *ad interim* of these Provinces, being determined to use every means in his power to weaken the authority of the Government, yesterday sent me an official letter, of which I enclose a copy (No. 6) to your Excellency, asserting his right to take cognizance of causes of sales, agreements, and grants, of the royal lands. My reply was, as by copy, (No. 7,) being resolved not to permit the slightest innovation; basing it, first, upon the royal order of August 24, 1770, (No. 2,) communicated to this Government by the Marquis de Grimaldi, by which his Majesty, being informed of the dispositions and propositions of General Count O'Reilly, approved them; and also determined that the Governor, Don Louis de Unzaga, and his successors, should alone possess the power to grant (*repartir*) the lands; secondly, on the terms of the 81st article of the royal ordinance for Intendants of New Spain, having in view the care of his Majesty's interests in the collection of duties on sales, agreements, and grants of lands, which here pay no duty, or only five per cent., for the purpose of the expenses of the office, so that they may cost the King nothing; thirdly, on the reflection, that if these grants be made by any other than the Governor, his authority becomes null: it having been already much reduced by the separation of the Intendency. Therefore, in order not to be troublesome, I repeat what I said in my former letter, resigning myself to obey, as I ought, the orders of my sovereign; and I merely solicit a favorable decision on this point, from the conviction that it is convenient and useful, and that the King's service, the quiet and good order of these Provinces, their peopling, and the advancement of their agriculture, require the preservation of its prerogatives to the Government, without innovations, which create difficulties, and do nothing in favor either of the royal *Hacienda*, or of the strict administration of justice.

MANUEL GAYOSO DE LEMOS.

[No. 9.]

From Gilberto Leonard, Comptroller, to Don J. V. Morales.

NEW ORLEANS, September 30, 1797.

Under date of January 7, 1788. (No. 5,) Don Estevan Miro, then Governor of these Provinces, proposed to the Intendant, Don Martin Navarro, the purchase of a tract of three hundred *arpens* of land, in the district of Natchez, for the establishment of a parish and a curate's house, and at the same time for laying out a town at that post. This purchase was made, on account of the royal *Hacienda*, for the sum of 2,000 dollars, paid to the owner Don Estevan Minor, under the conviction, as stated by the said Governor, that his Majesty would be repaid the said sum in time, by only demanding 20 dollars for the grant of each lot of 60 feet front, by 180 deep; this also appears more particularly, from the original despatch of the Governor. Miro, now in the office of the Intendency; but the motives which prevented the said restitution of the funds, are not to be gathered from the archives of the chief Comptroller's office. I therefore communicate this to you, in order that you may do whatever in your judgment may promote the King's interest, requesting of you, at the same time, to inform me of the results with regard to these despatches.

GILBERTO LEONARD.

[No. 10.]

From Don J. V. Morales to Don Pedro Varela y Ullou.

NEW ORLEANS, October 16, 1797.

MOST EXCELLENT SIR:

This Intendency being deprived of one of its principal privileges, that of taking exclusive cognizance of the business and causes occurring in its district, with regard to sales, agreements, and grants, of royal lands; and considering the arrival of a new Governor as offering a proper opportunity to reclaim that privilege, I did so with moderation, as your Excellency will perceive by my letter of the 29th of August last, to Brigadier Don M. G. de Lemos, of which I send you a copy, (No. 6.) I have not sent a copy of the commission of the Intendant, Don F. Rendon, which is therein cited, as I have quoted in the letter all that refers to the case in point, and as, it having been issued by the Department of *Hacienda* of the Indies, if your Excellency wished to examine it, you have it already in your power. As we have a right to assert our claim to that which justly belongs to us, I did not consider that my first letter could be viewed as evincing a disposition to excite dissensions to the injury of the King's service. And as it has been my custom not to act without reason and forethought, I did not expect that a request, based upon a decisive royal determination, which has the force of law and of firm and perpetual statute, could have been disregarded by this Governor, without any other observation being made, than *that it would be submitted to higher authority*; thus depriving the Intendency of the exercise of its rights, until the royal pleasure can be known. Your Excellency may see by the copy of the said

Brigadier's answer, how my demand was received. In consequence thereof, although as Intendant *ad interim* I am merely working for the person who is to succeed me. I consider it necessary for his Majesty's service, that the Intendency should exercise the right which has been conceded, and must therefore request your Excellency's attention in submitting this my representation to the throne: in order that if it be the King's desire, the Intendency may be left in free and peaceable possession of the right of cognizance of sales, agreements, and grants, of royal lands, which, as they belong to his Majesty, should only be confided to those in whom he has confidence for the management of the same, and of his other precious property.

Should I confine myself to what I have already declared, it is possible that the reasons advanced by Don M. G. de Lemos may turn the balance against me: in order to prevent this, it will be necessary for me to demonstrate, at length, my reasons for considering it advantageous to the King's service, that the Intendency should, without the intervention of any other authority, take cognizance of the causes respecting sales, agreements, and grants, of royal lands. The first is, the propriety that the Treasury should receive the benefits of the sales or grants of land, without causing any dissatisfaction on the part of the inhabitants. It is not my intention to propose that their value should be demanded for all the lands granted. The most general rules are liable to exceptions; and hence, according to Law 1st, Title 12, of Book 4th, of the collection (*recopilacion*) of laws of this kingdom, it is my opinion, that those which are granted to new settlers, on conditions enumerated in the 2d law of the same title, and other laws judged useful, according to the circumstances of the country, over and above the quantity which it is known that a family can cultivate, should remain free from duty. I do not, however, mean, that a planter who may choose to extend his cultivation, increase his grazing grounds, keep large herds of cattle, or indulge the desire to be considered a large land holder, in one or many parts of the country, should be excused from just taxation on those lands which he demands for such purposes. It is to me clear, that if the Governors of this Province had, ever since its union with the dominions, adopted this maxim, hundreds of dollars would have entered its treasury to support the numerous expenses of the Colony; and his Majesty could not have given away lands without advantage, from which great profits might have been received.

The second reason why I consider it most advantageous that the Intendency should have the privilege of treating the matter in question, is, that up to this period, the faculty of granting lands without having the property secured according to law, has been abused. I will not deny that this Province having been ceded in 1765, and the Spanish Government not having been properly organized until 1770, its Governors could not have conformed with the 12th article of the royal instruction of October 15th, 1754, which is cited in the 81st article of the ordinance for the Intendants of New Spain: since neither was it among these archives, nor indeed was its existence known in the Colony, until the arrival of the Intendant Don Francisco Rendon, in 1774: but although this is admitted, the Governors cannot say they have observed the laws of book 4, title 12, of the *Recopilacion de Indias*, respecting the manner and form of distributing and granting lands and lots—(*tierras y solares*.)

In order to obtain lands from the Exchequer, (*fisco*.) the custom is still

pursued which prevailed when the French were masters of the country, except in so far as that the Government and the Intendency acted in concert; and no other form is or has been observed, than the presentation of a memorial by the petitioner, praying for a certain number of *arpens*, and designating their location. In virtue of this, the Surveyor or Commandant of the Post, with the assistance of the neighbors, makes the survey; and if no objection be offered, puts the person in possession, and gives him the papers necessary for having his title drawn out: this title is issued upon the strength of these papers, a minute of it being preserved in the office, in order that it may be noted in the book of grants: the sum which is to be paid to the Surveyor or Commandant, for his trouble, is then delivered or put aside; and the duty of five per cent for office fees being retained, the petitioner remains in full and quiet possession of the quantity of land which it may please the Governor to grant to him; I say "which it may please the Governor to grant," because, although there be a general rule, by which no person can have more than a certain number of *arpens* granted him, if for agriculture, and half a league in front if for grazing, this rule has not been followed with so much exactness that there have not been some exceptions; and, on the other hand, those who wished to have a larger quantity than the government seemed willing to grant, have not neglected to employ means for arriving at the end, at the expense of their own good faith.

What I have said in the last paragraph, must be understood as regarding inhabitants or planters who solicit grant of lands: with respect to new settlers, although the Commandant of the district in which they wish to fix themselves, may have surveyed and assigned to them the quantity of land which they and their families are considered capable of cultivating, there are yet but few who have obtained the titles, which should have been furnished to them.

The method pursued in granting *lots*, (*solares*,) has neither been just nor uniform. With respect to those laid out at the spot where the town of Natchez was to be built, it appears that a petition having been offered, the Commandant of the district made a report, on which the Governor of the Province issued the patent securing the property, without any other payment being demanded than the Surveyor's and office fees; but the business was conducted in so arbitrary a manner, that during the governorship of Baron de Carondelet, without any inquiries as to whether the property belonged to the King or to the *Cabildo*, two streets were laid out, and several buildings were erected in the neighborhood of the levee—no other form being observed than that of putting the owners in possession; with this difference, however, that those dwelling near the levee have not obtained *las mercedes con la absoluta translacion* (sense uncertain, T.) which appears to have been granted to those who have obtained lots in the two sides of the town next the country.

Although the laws have not indeed been observed, I am still firmly persuaded that Baron de Carondelet, and the other Governors who preceded him, considered themselves authorized, and acted in this particular with honest and fair intentions; but, notwithstanding this, it cannot be concealed from your Excellency's penetration, that the facility in yielding to demands made without any other forms than those related, enabled many persons to obtain lands and lots, which they could neither cultivate nor build on; but from the sale of which, they expected to derive a profit. In

the next place, as every thing which has been done contrary to law is null, lands obtained without observing the requisite forms cannot be considered as the lawful property of those who thus obtained them: and much less the lands held by new settlers, without patent, who bought them from the persons first receiving them, at a trifling price. If his Majesty should not make some dispensation in their favor, the possessors of royal lands, as well as those of royal lots, will suffer loss of the time and money spent in acquiring or settling on them. All these evils may, however, be easily remedied hereafter, merely by allowing the Intendency to enter upon the exercise of its rights, according to the terms of the 81st article of the ordinance for the Intendants of New Spain, and the royal instruction of October 15, 1774, so far as it is not at variance with the said article. A third and last reason is, that the royal *Hacienda* may be spared many expenses and losses, which may otherwise result from the combination and execution of projects for obtaining grants of land and lots. It is clear, that the person who is principally responsible for the royal interests, would be much more careful in that which may occasion expenses to the Treasury, than one who views the affairs of the *Hacienda* merely as accessory.

In fact, a Governor who does administer the King's property, can only inform himself, whether a project be useful or injurious; and considering it useful, without waiting to ascertain whether the Royal Treasury be, or be not in a situation to provide the funds necessary for carrying it into effect, he will undertake it, with a view to obtain advantages. But an Intendant, who knows the obligations to which he is subjected, as well as his means of fulfilling them, will not expose himself to contract engagements which he cannot comply; he will not render himself liable to expenses, to meet which he has no proper fund; and finally will not embarrass himself, by pursuing plans, from which there is no certain benefit to be derived. As an instance of what I here state, observe the contract between Baron de Carondelet and Baron de Bastrop, for the settlement of 1500 protestant families, in the 144 square leagues of plain ground, in the District of Ouachita granted by the Governor, on condition that the Royal *Hacienda* should pay the expense of transporting those persons from New Madrid, to their place of settlement, of maintaining them for the first six months, and, giving them seed for their first planting. Much argument will not be necessary for to shew that such a contract could not be beneficial to the State; I have already exposed the results of my observation on the subject, in my letter to you, No. 123, of the 30th of June; but as it would have cost the Treasury 125,000 dollars, it is not probable that the Baron de Carondelet, if he had held the obligations of the Intendency, would have rendered it liable for a demand, which there were no means to satisfy; as those intended for the subsistence of the army, the civil officers, and for other purposes then so necessary to the defence and security of the Province, could not have been thus employed; and as an infallible consequence if the Intendency had possessed the right of distributing and granting lands, the project never would have been undertaken, until his Majesty's decision had been made known. In that case, Baron de Bastrop, Baron de Carondelet, would have solicited the grant of the 144 square leagues, which were granted by the latter; and it would have been a matter of discussion, whether or not, the proposition could have been admitted,

until the King, on being informed of the circumstances, had approved them, and appropriated the means necessary for their execution.

This example is sufficient, with regard to projects for obtaining land, at the same time requiring disbursements from the Treasury. And with regard to losses, in order not to trouble your Excellency farther, I will thereby call your attention to what is contained in document No. 5. The 500 arpens of land in question, were purchased; but the 2000 dollars which they cost, and which were to have been repaid by the sale of the lots at 20 dollars each, are still wanting, as your Excellency will see by the despatch (No. 9) sent me by the Comptroller; there being, as far as I can learn, neither land nor lots from which they can be recovered, as all were given by the Governor, without the forms prescribed for such cases by law.

In addition to the preceding reasons, on which I chiefly found my request, there are others no less powerful, to shew that the granting of all lots in this City, which in any way belong to the King, should be committed to the Intendency. They are *first*, that by the sale of those on the country side, restitution may be made, if not for the enormous sums expended by Baron de Carondelet in fortifying the place, at least for the value of the ground occupied by those fortifications. *Secondly*, that the facility of landing and depositing contraband goods, may not be increased by the sale of the lots immediately on the levee, this being done, as also the secret exportation of money, on those lots which have been already granted, and built on, without any danger of detection; these practices could not have been pursued to so great an extent, had there been as formerly, a street through the middle, as the smugglers would have been exposed to the observation of all who passed; and it would not have been so easy for them, to escape the vigilance of the guard. *Finally*, the injury sustained by commerce in general, from these illegal grants, would have been restrained, there would soon have been no place left for the discharge of cargoes and ballast, which latter, as it cannot remain on the levees nor on the side of the river, must be thrown on the town side; convenience for this is much needed, and the want of it, is a great loss to the owners and masters of boats, at the houses built on the lots granted, are close together, and even with the levee.

I have no knowledge of the reasons which Don M. G. Lemos may advance, in favor of preserving the right of cognizance, in causes respecting sales, agreements, and distributions of royal lands, which I claim as the exclusive and peculiar property of the Intendency, and I cannot therefore venture to consider them, as less powerful than my own. But if they are, as I suppose, the possession of the privilege by the Governorship, since the union of the Colony with the dominion, the loss of public respect which the suppression of this power may occasion to the Gubernatorial authority, and the bearing which it may have upon the political system of the State, and the increase of population, I conceive that I may fairly oppose to them solid and consistent reasons, in support of my own view. As to the possession of the privilege—it emanated from the King, and none can dispute his right to do whatever he may judge proper with his own and for the advantage of his own. As to the loss of public respect—even though the Governor should not have all the military and political power, befitting his station, yet it is not just to invest him with what belongs to another jurisdiction. And as to the bearing upon the political system, and the increase of population,—as the Governor has hitherto received from

the Intendant, all the assistance in funds, and whatever else he needed, for the performance of his duties, and for the establishment of settlers, in like manner the Intendency, on being requested, would grant whatever lands were necessary to carry views of the Governor into effect.

Perhaps the circumstance of my being interested in the case, may have biassed my mind: or arguments of greater force may be brought on the other side. However, as I am certain that your Excellency will not inform the King, until you have weighed those on both sides in the balance of your own correct judgment, I remain in full confidence that the resolution which his Majesty may take on this affair, will be most just and proper for the interest of the State, and the advantage of these his subjects.

JUAN VENTURA MORALES.

[No. 11.]

Royal order to Don M. G. de Lemos, Governor of Louisiana.

PALACE OF JAN LORENZO, *Madrid, Oct. 22, 1798.*

In consequence of your letter, dated the 31st of August, 1797. (No. 9,) directed to the Prince of Peace, and of another from the Intendant *ad interim* of that Province, date the 16th of October of same year, (No. 10,) respecting the right of granting and distributing royal lands, in the district under your command, which right has been vested in the political and military Government, since the order of August 24th. 1774.

The King has resolved, for the sake of the better and more exact observance of the 81st article of the royal ordinance for Intendants of New Spain, that the exclusive faculty of granting and distributing (*conceder y repartir*) lands of every class, shall be restored to the Intendency of that Province, free from the interference of any other authority in the proceedings as established by law: consequently, the power hitherto residing in the Government to those effects, is abolished and suppressed, being transferred to the Intendency for the future.

This royal order, I hereby communicate to you, as I also do under this same date to the Intendant *ad interim* of that Province, in order that you may both comprehend and execute it.

Heaven preserve you many years.

SOLER.

[No. 12.]

Document containing the official proceedings and correspondence on the subject of the transfer, by royal order, of the power to grant lands, from the Governor to the Intendant of Louisiana.

Deposition.—In the city of New Orleans, on the 9th of February, 1799, Don J. V. Morales, principal Comptroller of the Army, Intendant *ad interim* of the royal *Hacienda* of this Province of Louisiana, sub-delegate of the General Superintendency of the same, for his Majesty, declared—

That by royal order of the 22d of October last, which will be hereafter produced in evidence, his Majesty has been pleased to restore to this Intendency, the exclusive faculty of granting and distributing lands of every class, according to the 81st article of the royal ordinance for the Intendants of New Spain, free from the interference of any other authority, in the proceedings as established by law; and that the power hitherto residing in the Government, to make such grants and distributions, is abolished and suppressed. That in consequence, he commanded, as it was his duty, this royal resolution to be published by edict, according to the accustomed forms, demanding the assistance of the Governor General of the Province, by virtue thereof, in order that the requisite troops should be supplied, and that it should be made known at the other parts of the Province, by means of despatches sent from the Department to the respective commanders, together with a copy of the said edict; he reserving to himself to make any other arrangements proper in the affair. That he had taken all these measures with the advice of the Assessor General (*Chief legal Counsel*.) Thus he stated and signed: J.V. Morales. The Licentiate Manuel Serrano. Carlos Ximenes, *Escribano*.

(*The Royal Order No. 11, is next recited at length, with the following attestation.*) New Orleans, February 9th, 1799. A true copy from the original, which remains in the office of the Intendency.

CARLOS XIMENES.

Declaration.—New Orleans, February 9, 1797. I, the undersigned *Escribano* proceeded to the Government House, and after the customary ceremonies communicated to Don M. G. de Lemos, Brigadier of the Royal Armies, Governor General of the Province of Louisiana, the preceding deposition of Don J. V. Morales, Intendant *ad interim* of the royal *Hacienda* of this same Province. His Excellency having examined the same, replied—that he would have no hesitation in affording the assistance of the troops required for the purpose in question, if the royal order, communicated to the Intendency, had also reached himself; that it has not been received by him, but that as soon as it is, he will at once grant the required assistance, and offer to the sovereign will all proper respect and obedience in this affair. His Excellency requested that I would take this as reply, and signed the same—Gayoso—in my presence: Carlos Ximenes.

Decree.—New Orleans, February 12th, 1799. It appearing by the preceding declaration, that the Governor has not received the royal order cited therein, let a certified copy of said order, with the proper official paper, be sent through the *Escribano*, in order that at sight thereof, his Excellency may afford the assistance which has been required. Morales—the Licentiate Serrano. Ximenes.

Declaration.—In the City of New Orleans, on the 13th of February, 1799. I, the undersigned *Escribano*, having had delivered to me at the office of the Intendency, a sealed official paper for the Governor General of this Province, Don M. G. de Lemos, Brigadier of the Royal Armies, which paper is the same ordered to be made out in the preceding decree, I went, and, after the usual ceremonies, delivered it into the said Govern-

or's hands; who, having in my presence read it, as also the accompanying certified copy of the royal order given in this document, his Excellency answered—that he would reply to the Intendant, Don J. V. Morales; in proof of which, I have drawn up this declaration. Ximenes.

Decree.—New Orleans, March 6, 1799. Let certified copies be made and appended to this, of the official letters on this subject, sent by me to the Governor General Don M. G. de Lemos, on the 13th, the 14th, and the 18th of February; also, of that sent on the 2d of this month, in which I insisted on the point in question, and of the reply of the Governor, dated yesterday. Morales. The Licentiate Serrano. Ximenes.

Copy.—to Don M. G. de Lemos. New Orleans, February 12, 1799. Judging from the terms used by his Excellency Don Miguel Cayetano Soler, in communicating to me the royal resolution of his Majesty, respecting the jurisdiction to which belongs the distribution of all classes of lands, that you should have received the royal order of October 22, 1798, as sent under the same date to this Intendency, I omitted to inform you of its context; but, as you stated, in reply to my requisition for the proper military assistance, and its solemn publication, that it had not yet reached you, I send you, with this a copy of the order received by me, certified by his Majesty's Secretary for this Intendency, in order that it may supply the place of that which I doubt not has been mislaid or lost in transportation; and that the accomplishment of the Sovereign will may suffer no delay. J. V. MORALES.

To Don M. G. de Lemos.

NEW ORLEANS, February 13, 1799.

Sir: With your official letter, dated yesterday, I received the copy of the royal order, made at the office of the Intendency, respecting the jurisdiction under which the distribution of all classes of lands should remain; and although I have not received that royal order directly, yet I do not wish that any doubt should remain of my readiness to comply with the commands of my Sovereign, through whatever channel they may come: I, therefore, immediately obey, leaving the intendency which is under your charge, free and untrammelled. I must, however, observe, that I do not consider the publication necessary, as the King does not command it; and as I assure you that I will not, in any way, meddle with the affairs of the Intendency, and that I will assist you in all your arrangements, to the utmost of the powers confided to me to that effect. I will thank you, sir, to send me a certified copy of the 31st article of the royal ordinance for Intendants of New Spain, so that I may give the necessary orders to the commanders of these Provinces, to afford you assistance. As the population of this country is increased by the arrival of foreigners, I must observe, as I have already commanded, that it is not proper for any Americans to be suffered to settle on the western side of the river. It is also necessary for the convenience and security of the government of these Provinces, that you should, in the easiest and most suitable manner, inform this Government who are the foreigners soliciting or about to receive grants of lands, in order that it be determined whether or not they should be admitted. I also inform you that, for political reasons, I have projected and commenced the establishment of a Colony of Americans on the other

side of the lake; of the number of whom I will hereafter inform you. I conclude with repeating, that I am ready to assist you in your dispositions, requesting you to give me your views on the subjects herein mentioned, in order that I may communicate my ideas to his majesty, without entering at all upon the affairs of the Intendency.

M. G. DE LEMOS.

NEW ORLEANS, February 14, 1799.

Sir: In your letter of yesterday, after acknowledging the receipt of the copy of the royal order of October 22d. 1798, determining to which jurisdiction belongs the distribution of all classes of lands in these Provinces, and declaring that, although you had not received said order yourself, yet that no doubt might exist as to your readiness to comply with the royal commands, through whatever channel they might be communicated, you would instantly obey it, leaving the Intendency now under my charge, free and untrammelled; you observe that you do not consider the publication necessary, as it is not commanded by the King; but that far from meddling with the affairs of this Intendency, you will aid me in my arrangements, to the full extent of the powers to that effect confided to you by his Majesty; and you request of me a certified copy of the 81st article of the royal ordinance for Intendants of New Spain, for the purpose of enabling you to give the necessary directions to the commanders of these Provinces, to aid me; you likewise notify me that no grants should be made to Americans on the western side of the river; that the Government should be informed respecting the persons who solicit, or are about to receive grants of lands, in order to know whether their admission be conformable with your views; and that you had projected and commenced the settlement of Americans beyond the lake, of whose number you will hereafter inform me. You conclude by assuring me that you are ready to assist me in my arrangements, and request me to give you my ideas on the subjects mentioned, in order that in your communication to the King, you may not enter at all on the affairs of the Intendency.

In reply, I have to say, that notwithstanding the answer you made to my demand for your assistance in the publication, I did not suppose that when the document setting forth the royal will was in your possession, you would hesitate to fulfil it accurately; and for that reason, as soon as I was informed of the non-arrival of the original, I ordered the certified copy to be sent to you of that which I had received, in reply to my representation (No. 10) of the 16th of October, 1797. I have, however, to express to you my obligations for the promptness with which you have submitted to that royal order, although you had not yourself received it directly; I hope that you will accept them, and remain persuaded that I will suffer no occasion to pass, of manifesting to the Government my desire to contribute to the attainment of its ends, which are the prosperity, advancement, and defence, of these Provinces.

I cannot, however, refrain from stating, that I do not consider as sufficient, your reasons for withholding the publication. The royal order, in truth, does not expressly command it; but considering that its concluding words are: "*I communicate to you, in order that you may comprehend, and execute it;*" that every law or sovereign disposition altering or abolishing any thing addressed to the public, has no force until thus made known, and that it is the custom in Mexico and the other parts of his Majesty's

dominions, for the authorities to inform the subjects in this way, of all royal resolutions intended to be made known to them, it is clear that, as an old system is thus changed by this royal order, the public should be informed from what source such change emanates; it should know the circumstances, in order to conform to the provisions, and to be able to address its demands to the competent jurisdiction. The publication is, indeed, tacitly comprehended in the words above quoted in italics; and in this I am supported by the opinion of my Attorney (*Asesor*) who has offered to declare it in writing; and who, moreover, adds, that although you should not think proper to give the requisite assistance, yet the formalities of the publication, by means of hand-bills posted in the streets, and of instructions to the commanders of the whole Province, as sub-delegates, to notify the inhabitants of their respective districts, of the royal will, cannot be dispensed with. I therefore entreat you to give me your final determination on the subject of the assistance required, in order that I may thereby regulate my conduct.

I have already, with my letter of August 29th, 1797, (No. 6.) sent you a copy of the 81st article of the royal ordinance for Intendants of New Spain, [page 10.] I will, however, send you another copy of it, in order that you may thereby see what measures you should indicate to me. As I suppose you will also desire to see the instruction of the year 1754, which is cited in that article, I have also ordered a copy to be made, which, from the length, it will require some time to finish; it will also be sent to you. I hope you will favor me, by directing a certified copy to be sent to me, of the royal order of August 24, 1774, by virtue of which the Government first possessed the privilege of distributing lands and lots; and that you will deliver to me the registers of grants, the memorials or other documents, on the strength of which they were made, and any thing else which you may consider requisite for the regulation and discharge of what has now become my duty.

I shall avail myself henceforward, of your suggestion, that no Americans should be allowed to settle on the western side of the river; and also, in order to reconcile your wishes with the fulfilment of the sovereign will, I will not grant nor distribute (*repartir*) land to any foreigner desiring to settle in these Provinces, until he has presented to me a document, shewing that he had obtained permission from the Government to hold it.

As to the establishment of Americans, which you have projected and commenced on the other side of the lake, I suppose you have informed his Majesty of it; and when the royal resolution on the subject arrives, I shall not hesitate to make good (*verificar*) the allotment of land which you have proposed, and to provide the proper titles, according to your conditions and promises.

You may communicate to the King what may seem good to you upon these points, which are, however, in my opinion, of too little importance to require a change of any determination which his Majesty has taken or may take.

J. V. MORALES.

To Don M. G. de Lemos.

NEW ORLEANS, February 18, 1799.

Sir: Agreeably to my promise, made on the 14th inst., I send you certified copies of the 81st article of the ordinance for Intendants of New

Spain, which is of force in this Province, and of the instruction referred to in said article. I hope you will inform me of their receipt, and that you will accede to my request, for the documents relating to this business, conveyed in the same letter.

J. V. MORALES.

To Don M. G. de Lemos.

NEW ORLEANS, March 2, 1799.

Sir: In my letter of the 14th ult., I asked you whether you would afford or not, the military assistance required for the publication of his Majesty's decision of October 22, 1798, respecting the jurisdiction under which the distribution of all classes of lands in this Province are to remain. I also desired a certified copy of the royal order of August 24, 1774, as well as the delivery of the registers of grants, and the documents in virtue of which they were made. A longer delay in furnishing these, would be very injurious to the interests of the royal *Hacienda*, as there are a number of persons requesting grants; and it is my earnest desire that those interests should suffer no loss.

J. V. MORALES.

To Don J. V. Morales.

NEW ORLEANS, March 5, 1779.

Sir: The quantity and the urgency of the business on my hands, which has just been much increased by the arrival of the mail, and the attention which I am obliged to pay to affairs of pressing importance, have delayed, and must still delay, the preparation and delivery of the documents requested by you on the 14th ult., in order that you might enter upon the duties of distributing lands, according to the royal order of October 22, 1798. However, while this labor is going on at my office, I send you a certified copy of the royal order of August 24, 1770, (No. 2.) and not 1774, as, by mistake, it has been printed in the royal order of October 18th, 1798. I also send the form of the first decree, which it has been the custom to issue before the survey was made. Of the registers, which will soon be sent, you will see the form in those used by all my predecessors. In addition, I send for your information a copy of the instructions given by me, under date of January 1st, 1798, to the commanders of posts in this Province, with regard to the admission of new settlers; I must, however, observe, that I have been in the habit of making some alteration in favor of those who were deserving. I have sent orders to the *Monitor*, the principal newspaper in this Province, to publish his Majesty's resolution, of which, however, as of the orders sent to the commanders, I do not think the publication in form of edict, necessary. I have thus complied with the requests contained in your letter of the 14th ult.

M. G. DE LEMOS.

Certificate.—New Orleans, March 9, 1799. The above are true copies from the originals.—Cayetano Valdes.

Order.—New Orleans, March 12, 1799. Inasmuch as the Governor General has not thought proper to afford his assistance in publishing, by edict, the royal order aforesaid, and it having been officially communicated to the posts out of this capitol, let it also be made known in this city, by

notices posted in the streets, evidence of the same being taken, for transmission to his Majesty.—Morales—Serrano—Ximenes.

Attestation.—New Orleans, March 12, 1799. Don J. V. Morales, chief Comptroller of the Army and the royal *Hacienda*, and Intendant *ad interim* of this Province of Louisiana for his Majesty, gave the above order, and declared that he did so with the assent of the Attorney General of this Intendency.—Carlos Ximenes.

In compliance with the above order, I caused six bills to be posted in the streets of this city, making known the resolution of his Majesty.—Ximenes.

Certificate.—New Orleans, March 28, 1799. The above documents are conformable with the original remaining in this office under my charge.—Ximenes.

[No. 13.]

AT NEW ORLEANS, on the 1st July, 1799.

General Regulations and Instructions issued by the Intendant ad interim, Morales, with respect to the granting of lands in Louisiana and West Florida.

[Of this long paper a translation, inartificial but correct, may be found in the fifth volume of the Executive Documents of 1828–9, Document No. 121, page 208.]

[No. 14.]

From Don J. V. Morales to Don Miguel Cayetano Soler.

NEW ORLEANS, July 25, 1799.

Most Excellent Sir: The late Don M. G. de Lemos, Governor of this Province, availing himself of the excuse of not having received the Royal order of October 25, 1798, by which his Majesty commanded the restoration to this Intendency of the right to distribute lands of every class, endeavored to delay the execution of the same; but, at length, being required by me officially, as you will see by the annexed document. (No. 12,) surrendered the power which had been assigned by the royal order of August 24th, 1770, to the political and military Government, and it remains annexed to the Intendency, as that document shews: he, however, refused to afford the military assistance towards the publication of the sovereign will, with the proper pomp and solemnity. Infinite were the abuses in the mode of distributing the lands, and for that reason, in order to terminate them, and proceed on the business not only conformably with the laws, but also with regard to the circumstances of the country, after consulting with the attorney of the intendency, and other persons acquainted with the business, I drew up the regulation which I now send to your

Excellency, with a request that you will submit it to your Majesty for his approbation or other expression of his royal will. The price of printing three hundred copies, as agreed on with the only printer in this place, was 150 dollars, which I have ordered to be paid out of the royal funds, under the persuasion that his Majesty will approve an expenditure so necessary for the instruction of all the inhabitants of these Provinces, in the manner of preferring their petitions, and in the conditions on which they may be granted; without these, great labor would have been necessary to retrieve things from the confusion produced by a long course of arbitrary proceedings.

This branch of the revenue of these Provinces, will not, indeed, produce as much as it would have yielded, but for two opposing circumstances: The first was the cession of the country down to the 31st degree of latitude, to the Americans, made by the last treaty, (October 27, 1795.) Thus were surrendered the greatest portion of the vacant lands, which might have been sold at a fair price. The second, was the prodigality of the Governor, and particularly of Don M. G. de Lemos, in allotting large quantities of land to persons who could not even cultivate them, and who solicited them only under the hope of gaining something by their sale. To annul these grants would be productive of great difficulties, and this must be considered an evil without a remedy, unless the vast comprehension of your Excellency can suggest some plan, and determine the King to adopt it. May God render prosperous the important life of your Excellency.

J. V. MORALES.

[No. 14.]

Document containing the official papers relative to lands destined for the families who have quitted Galvezton, in order to settle at Baton Rouge.

From Don Carlos de Grand-pré to Don J. V. Morales.

BATON ROUGE, March 4, 1806.

Sir: I send you enclosed, the plan of the ground about this fortress, of which I have caused the part beyond the range of the guns, to be divided into small lots, of four arpens each, for the establishment of the late inhabitants of Galvezton, and others, by whom they are now occupied. For other particulars, I refer you to my letter of the 29th December, 1805; merely observing, that it is necessary to resume a portion of said ground, which had been, by error, enclosed by Don Guillermo Dumbard, the Deputy Surveyor, in the grant of the late Don M. G. de Lemos; it may, however, be supplied from other vacant land in the vicinity, and thus the ground of the fort will be an exact oblong. By this means, that useful establishment may be much extended.

CARLOS DE GRAND-PRE.

Letter from the same to the same, referred to above.

BATON ROUGE, December 29, 1805.

Sir: Ever since the cession of this Province to France, and its acquisition by the American Government, the Spanish families living at Galvezton, have been solicitous to obtain lands in this part of the King's dominions, not being content to live under new laws and a foreign Government.

They were consequently allowed to choose from the vacant royal lands in this district, such as might accommodate them until the opening of the land offices, so long suspended, from motives which have just given way to the superior determination of the Captain General the Marquis de Someruelos. But these families, (the same brought from the Canaries to this Colony, on account of the royal *Hacienda*.) having found none to suit them, I projected the establishment of a town for them, in the neighborhood of this fort, and on land belonging to it. From this most useful establishment great advantage has been derived, for the better defence of this place, by means of the ready and efficient assistance of the militia, formed by these inhabitants, and by the clearing of the ground in the neighborhood, which was covered with thick woods, up to the very line of the range of our guns. An advantage was also received by the inhabitants, from their proximity to the fort and the river, by which means, they could sell or buy as they wished; disposing of their own productions, and obtaining articles necessary for their use. Having communicated my arrangements on this point, to the commandant of this Province, on the 1st of February last, he replied under date of 13th of May, that he approved them in all respects.

With respect to the said land which extends about 20 *arpens* deep (?) from the fort, I have arranged its sub-division into lots of four *arpens* each, for a family, at the distance of 130 toises from the batteries; there are now 34 of these lots; and you will see by inspecting the plan, the error committed by the surveyor who laid off the ground granted to the late Don M. G. de Lemos, and who supposed that the fort had but four *arpens* in front; whereas it had eight; and by restoring to the fort that portion which had been improperly included in the plan of the grant to Gayoso de Lemos, and for which indemnification can be made from the vacant land in the vicinity on the north, a farther addition may be made to this important establishment. You will inform the surveyor, Vincent Pintado, of all this.

As I considered this town to be on the lands of the fort, I did not hesitate to give each person possession. I issued no titles; but should you not object, I will now do so, as Don M. Gayoso de Lemos did at Natchez; which has become a place of considerable size. I withheld these titles, indeed, in order to submit them to your consideration, as they do not properly belong to the office of the commander, and the persons interested are unable to go to any expense on account of them.

CARLOS DE GRAND-PRE.

Order.—To Juan Morales and Ventura Quiroga. Pensacola, July 28, 1806. Let the above letter be added to the despatch accompanying the plan of the ground, and the whole be submitted to the Attorney of the royal *Hacienda*. Morales—Heredia.

We submitted the above to the attorney of the royal *Hacienda* on the same day. Morales—Quiroga.

To Don J. V. Morales.

BATON ROUGE, September 12, 1806.

Sir: The new settlers on the ground belonging to the ruined fort, of whom I wrote to you, sending a plan enclosed, for the purpose of knowing your determination with respect to issuing the proper titles to them, being in suspense, and I myself being doubtful whether you have resolved of

yourself to issue those titles, or to give me power to do so, or whether you think I can do so in my military capacity; I should be glad if you would inform me, in order that I may comply with the wishes of the present inhabitants, and put an end to their alarms, lest there should be any political or local change here; for they have already spent much in clearing and planting.

CARLOS DE GRAND-PRE.

Order.—To J. Morales and V. Quiroga. Pensacola, October 29, 1806. Let the above be added to the other papers on which an answer is in preparation. Morales.

Certificate.—Pensacola, November 29, 1806. The above is a true copy from the original, now in the office of this Intendency; and we give our testimony, that we have acted therein according to the directions of the Intendant. Juan Morales—Ventura Quiroga.



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